

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Headquarters – 1420 East 6th Avenue
Helena, MT

MARCH 12, 2009

Commission Members Present: Dan Vermillion, Vice-Chair; Willie Doll; Ron Moody; Bob Ream.

Fish, Wildlife & Parks Staff Present: Joe Maurier, Acting Director, and FWP Staff.

Guests: See March 12, 2009 Commission file folder for names of who signed in.

Topics of Discussion:

1. Call to Order - Pledge of Allegiance
2. Approval of Commission Meeting Minutes of February 12, 2009
3. Approval of Commission Expenses through February, 2009
4. Legislative Update
5. Future Fisheries - January, 2009 Funding Cycle– Final
6. Cherry Creek Fishing Access Site Acquisition on the Madison River – Endorsement
7. Rosebud Battlefield State Park Mineral Rights – Endorsement
8. First People's Buffalo Jump Lease with DNRC – Endorsement
9. 2009 Peregrine Falcon Quotas – Final
10. Region 2 - Eliminate 2009 Antlerless Whitetail Deer B License Type 002-10 - Final
11. Region 6 – HD640 and HD641 Boundary Change – Final
12. Mount Haggin Habitat Restoration Project - Final
13. Keep Cool Hills Cooperative Management Area Rule – Final
14. Livestock Loss Reduction and Mitigation Board Nominations – Final
15. Status of Disposition of Quarantine Facility Bison – Informational
16. Open Microphone – Public Opportunity to Address Additional FWP Issues

1. **Opening - Pledge of Allegiance.** Vice-Chairman Vermillion called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

2. **Approval of February 12, 2009 Commission Meeting Minutes.**

Action: Doll moved and Ream seconded the motion to approve the February 12, 2009 minutes. Motion carried. Moody clarified that his question regarding creating a state park out of the Missouri-Milk River Confluence property actually was a question as to why the park designation was chosen over that of a wildlife management area designation, and whether hunting would be allowed in this new state park since state parks often do not allow hunting. Commissioner Moody was assured that hunting would be allowed in the state park. Action: Moody moved and Ream seconded the motion to amend the minutes to reflect that Commissioner Moody was assured that hunting would be allowed in the new state park. Motion carried.

3. Approval of the February, 2009 Commission Expense Report.

Action: Doll moved and Ream seconded the motion to approve the February expense report as presented. Motion carried.

4. Legislative Update. Chris Smith, FWP Deputy Director, briefed the Commission on legislation that FWP has interest or involvement in.

The budget appropriation bill, HB2, added some funding back into the budget for FTEs at parks and fishing access sites.

HB166, to fund increased prosecution services was tabled.

HB167, a request to appropriate general fund money to allow FWP to take over Travelers Rest State Park, is not expected to pass.

HB430, introduced to establish a fine for stringing barbed wire across navigable streams, was tabled.

HB585, introduced to create nonresident combination hunting licenses to be used by adult non-resident family members who wish to return to Montana to hunt, passed to the Senate.

HB62 requiring mandatory trapper education was tabled in the Senate.

HB74, to grant the Commission authorization to establish archery season on lions, wolves, and bears passed.

HB190 on bridge access will be heard in the Senate next week. It has a lot of support.

SB183, introduced to revise the wolf policy, passed out of committee and has been referred to Senate Finance and Claims.

SB217, requiring FWP to refund producers for brucellosis and disease testing for diseases that may be transmitted by wildlife, is scheduled for hearing next week in Senate Finance and Claims.

SB435, the no net gain in state land bill, is still in Senate Finance and Claims. It is tied in with HB14, which is the bonding bill.

SB185, allowing big game combination licenses for nonresident college students, passed the Senate.

SB202, prohibiting the feeding of ungulates and lions, will be heard in the Senate.

SB337, introduced by Senator Brenden to preclude moving bison to anywhere except Moiese, is set for a hearing next week.

SB425, regarding funding the Fort Peck Hatchery, will be heard in the House. Trout Unlimited is against the bill and is trying to kill it.

SB437, designed to clarify fish pond licensure, is of concern because of impacts on ground water and other complications it could lead to.

Smith said the final wolf delisting rule is expected next week. It will take effect 30 days after that. Litigation is anticipated.

5. Future Fisheries - January, 2009 Funding Cycle– Final. Chris Hunter, FWP Fisheries Division Administrator, explained that this grant program was established in 1995 to fund projects that will enhance wild reproducing fish. Since that time, eight and a half million dollars have been granted. There are two deadlines for project applications each year, one in January and one in July. FWP staff reviews the applications and offers their recommendations to the 14-member governor appointed advisory group. The advisory group evaluates those projects, then submits their recommendations to the Commission for approval. FWP received twenty-two applications this cycle, of which twenty were recommended, at a total cost of \$714,887. The comment period for the EA concludes after Commission approval, but historically the Department has never received many comments, so that should not be an issue.

Moody asked why decisions are made before the comment period ends. That gives the public the impression that their comments are of no importance.

Hunter agreed that that is a valid point, but noted that the applications do receive a great deal of scrutiny by the advisory group, whose expertise ranges among a very diverse group of interests, and by FWP staff. The advisory group meeting is also open to the public for comment. The process needs to be done prior to spring runoff. Hunter said there have indeed been discussions on moving the application date ahead a month, thereby moving the approval date to April instead of March, and moving the July cycle ahead a month as well, but part of the reason it hasn't been done is because expensive regulation brochures would need reprinted. Hunter agreed it is appropriate to make the changes, but a decision needs to be made on which way to go.

Moody said he understood the dimension of the challenges in changing the process, however at some point this will need to be resolved.

Hunter reported that FWP received comments on seven of the projects. One comment expressed opposition to the Skalkaho project, which FWP staff also did not recommend, but the advisory committee approved it.

Mark Lere, FWP Habitat Restoration Program Officer, explained that the reason the \$3,500 Skalkaho project was not recommended by FWP was because it was felt that it is a property protection project rather than a fisheries project. The advisory committee disagreed with FWP, so therefore recommended it.

Action: Ream moved and Doll seconded the motion to approve the citizen review panel recommendations for habitat enhancement projects for the January 2009 funding cycle.

Vice-Chairman Vermillion asked for public comment. There was none.

Moody reiterated that the public comment issue needs to be resolved.

Hunter suggested that FWP move the deadlines for filing applications to December 1 and June 1. This would allow the advisory committee time to review the projects and for the comment period for the environmental assessments to close prior to the March and September Commission meetings. The Commission could still take action at their March and September meetings so that approved projects could be completed prior to spring runoff or winter. Hunter noted that FWP would still have to maintain the July 1 deadline for applications for this year because that is the date all of the brochures that are in circulation have listed. Chairman Vermillion suggested that the Commission could take action on those projects via conference call as soon as the EA comment period was closed. The new deadlines of December 1 and June 1 would go into effect for the December 1, 2009 funding cycle. FWP will have new brochures printed with the new deadlines.

Action on motion: Motion carried.

6. Cherry Creek Fishing Access Site Acquisition on the Madison River – Endorsement. Chas VanGonderen, FWP Parks Division Acting Administrator, said FWP is considering purchasing a perpetual easement from DNRC on a 2.25-acre parcel of State School Trust Land on the Madison River at the mouth of Cherry Creek for the purpose of developing a fishing access site. The Bureau of Land Management has agreed to enter into a joint management agreement for administration, management, and maintenance of the site. This site has accommodated unmanaged public use for years resulting in degradation of resources due to vehicle use, rock fire rings, and a pioneered boat ramp. Campers seeking to avoid fees at BLM designated campgrounds frequently use this site. Acquisition of a perpetual easement by FWP, with dual

management, maintenance, and enforcement by FWP and BLM, would provide an enjoyable recreation site. FWP received a PPL grant in the amount of \$20,686. Following Commission endorsement to proceed, FWP will begin the Environmental Assessment process, in which the public will be provided a 30-day period.

Action: Ream moved and Moody seconded the motion to authorize the Department to pursue a perpetual easement with DNRC.

Doll asked if DNRC would consider selling the parcel. VanGenderen said that he was unsure, and he added that there also may be land trade options.

Director Maurier noted that DNRC can't simply sell land, they have to go through a disposal process in which anybody can bid. This perpetual easement is essentially the same thing as ownership.

Vermillion stated that this portion of riverfront has created a lot of contention along the Madison.

Vice-Chairman Vermillion asked for public comment.

Robin Cunningham, Fishing Outfitters Association of Montana, encouraged the Commission to approve the acquisition. They recognize that BLM has been doing what they can. It provides outfitters one more place to pull off and will spread out the traffic.

Steve Summerhill asked the Commission to approve the acquisition. It spreads out the traffic on the river.

Action on Motion: Motion carried.

7. Rosebud Battlefield State Park Mineral Rights – Endorsement. Chas VanGenderen, FWP Parks Division Acting Administrator, explained that when FWP purchased the surface rights of Rosebud Battlefield State Park in 1978, there were no funds to purchase the mineral rights. This National Historic Landmark is now threatened by coalbed methane development. The coalbed methane rights are currently leased, but the lease will run out in late summer. Historic landmarks are not protected any more than any other lands.

The Department is working with the Conservation Fund, the mineral rights owners, the gas company and other state agencies. All parties have shown an interest in resolving this issue without drilling, but due to the lack of hard data and differing opinions as to the value of the resource, this challenge will not be easy to resolve. The primary private mineral owner and gas company have expressed willingness to negotiate the sale or trade of mineral interests.

Action: Moody moved and Ream seconded the motion to authorize the Department to pursue negotiation and resolution of the mineral rights issues at Rosebud Battlefield State Park.

Vice-Chairman Vermillion asked for public comment. There was none.

Action on Motion: Motion carried.

8. First People's Buffalo Jump Lease with DNRC – Endorsement. Chas VanGenderen, FWP Parks Division Acting Administrator, said two members of the local state park friends group leased 920 acres adjacent to First Peoples Buffalo Jump State Park from DNRC to expand and protect the viewshed around the park. Their desire is for FWP to take over the lease. FWP would like to help the group by taking over the lease for one year at a cost of \$4,000, while seeking a more permanent resolution, such as a possible land trade with DNRC.

Action: Moody moved and Ream seconded the motion that the department pay the lease for one year and evaluate alternatives for acquisition of the 920 acres of DNRC lands to expand First Peoples State Park.

Vice-Chairman Vermillion asked for public comment. There was none.

Action on Motion: Motion carried.

9. 2009 Peregrine Falcon Quotas – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, stated that the previous commission authorized the first taking of nestlings since the 1970s. Existing regulations allow the take of three birds. A permit drawing process was conducted, and of the three successful permittees, only two were successful in taking falcons.

The tentative proposal to increase the quota from three to five was approved by the Commission at the January, 2009 meeting. FWP is obligated to survey peregrines every three years until 2015, and will use the three-year survey under the delisting criteria as a benchmark. The thirty-day comment period generated thirty-three comments, with those in opposition speaking against both falconry and the taking of wild birds for sport.

Action: Doll moved and Moody seconded the motion to authorize the limited take of up to five nestling peregrine falcons for falconry purposes in 2009.

Moody stated that the dissenting comments raised a point that needs to be discussed and clarified. The decision to take wildlife is an exception to wildlife management. Other species cannot be captured and kept.

Herbert said it goes back to the history and tradition of falconry when falcons were used for hunting. The capture and training of wild birds is a unique situation that is approached differently. The falcons are housed and taken care of, and if they escape, they typically can survive.

Vermillion said removing the birds off the endangered species list is largely due to falconers. He added that there is also a limitation on selling these birds.

Herbert stated the birds can only be transferred to licensed falconers.

Ream asked if the two successful applicants from last year can apply again this year.

Herbert said there are no constraints, but if they were successful last year they likely will not apply a second year.

Ream said he is concerned with hybridization, and asked if there should be a waiting period between successful drawings of applicants.

Herbert said since this is only one year into the process, we don't want to over-regulate it.

Vice-Chairman Vermillion asked for public comment.

Ralph Rogers, falconer from Winifred, said he has been involved in this issue for forty years, and this was one of the most considered decisions. A recovery team coordinates releases and surveys. There are no worries about taking five. The take of falcons at 5% is undetectable as we don't know where they are all located. You will not find fifteen nests a year. Falconry started before gun powder. It is truly a sport.

Action on Motion: Motion carried.

10. Region 2 - Eliminate 2009 Antlerless Whitetail Deer B License Type 002-10 - Final. Quentin Kujala, FWP Wildlife Division Management Bureau Chief, stated that the whitetail deer numbers have been seriously trending down. This proposal is an emergency measure of significant biological importance. By removing this license type, it will allow the maintenance of the general license in R2. Over ninety comments were received, with a fairly even split of opinion.

Action: Doll moved and Ream seconded the motion to adopt the final 2009 Region 2 elimination of the 2009 Antlerless Whitetail Deer B License Type 002-10 as proposed by the Department. Motion carried.

11. Region 6 – HD640 and HD641 Boundary Change – Final. Quentin Kujala, FWP Wildlife Division Management Bureau Chief, stated that based upon a public petition in 2004, the deer season in HD640 was reduced to a 3-week buck, 5-week antlerless season to increase mature-buck ratios by decreasing hunting pressure during the deer rut. The shortened season in HD640 displaced hunting pressure to neighboring HD641. In an effort to modify the shortened season, HD640 boundary adjustments were adopted during the 2008-2009 FWP biennial season setting process that reduced the size of HD640. As a result, some 80,000 acres were closed to hunting. Two meetings were held with the landowners and FWP to discuss the situation and re-adjust the boundary of HD640. Landowners voiced strong support for readjusting the boundary between HDs 640 and 641 and continuing the 3-week buck season/5-week antlerless season for deer in HD 640 in 2009. The portion of deer/elk HD 641 north of Route 258 would be incorporated into HD 640. The Commission adopted this adjustment as a tentative at the February 2009 Commission meeting.

Action: Doll moved and Ream seconded the motion to adopt as Final the 2009 adjustment to the boundary between deer HDs 640 and 641 as described by the Department at the March 12, 2009 Commission meeting.

Moody asked if this motion will resolve the argument.

Pat Gunderson, FWP Region 6 Supervisor, said it will be an ongoing conflict. The region will continue to work with the people to come up with a solution.

Kujalas stated that the biennial season structure has been set, and this action is a refinement of that structure. Annual adjustments and numbers of licenses to be issued are decided in the off-years.

Vermillion and Kujala clarified that the Department still has authority to make emergency adjustments to general seasons for acute needs.

Doll said he attended the meetings in the Region. There were over seventy people in attendance. He felt that nearly eighty percent of the landowners and sportsmen from the area supported the adjustment. It was a positive meeting.

Moody recommended charging the citizens advisory council with undertaking this matter as an ongoing discussion to gain a consensus on managing deer in that area.

Kujala said the Region has worked very hard to reach a consensus, and it has been their custom to keep discussions in front of the public; and they will continue to do so.

Vice-Chairman Vermillion asked for public comment. There was none.

Action on Motion: Motion carried.

12. Mount Haggin Habitat Restoration Project – Final. Ken McDonald, FWP Wildlife Division Administrator, explained that this is a project involving timber removal across the winter range on the WMA to improve the health of the desired shrub and forest communities. The proceeds generated from merchantable timber will be applied to the costs of the other aspects of this project. Surplus money will be deposited into the Real Property Trust. A licensed forester will assist the area biologist in overseeing this project. Douglas fir smaller than 6 inches in diameter will be hand-removed from 100 acres of bitterbrush stands. Douglas fir and lodgepole pine will be mechanically removed from 150 acres of select aspen stands and from a 100-foot buffer surrounding those stands. Lodgepole pine that is heavily infested with the mountain pine beetle will be removed from 655 acres of mixed Douglas fir-lodgepole pine forests. Douglas fir and interspersed aspen and alder stands will be retained. Because the timber will be marketed, the commission needs to take action on the proposal. Seven supportive comments were generated from the public comment period. It would be a good neighbor effort as well.

Vice-Chairman Vermillion asked for public comment. There was none.

Action: Doll moved and Moody seconded the motion to recommend final approval for the Mount Haggin Habitat Restoration Project as described in the Environmental Assessment Decision Notice. Motion carried.

13. Keep Cool Hills Cooperative Management Area Rule – Final. Paul Sihler, FWP Field Services Division Administrator, explained that the Commission approved this biennial rule renewal as a tentative at the February 2009 meeting. The rule was established in February of 2007 to enter into a cooperative management agreement with the Sieben Ranch, the Nature Conservancy, and DNRC to manage recreational use and enforce regulations on 15,000 acres of land northeast of Lincoln. The landowners had considered closing the land to public access due to concerns of unmanaged use to include camping, fires, weeds, and new roads being pioneered. Five comments were generated by the comment period – all in support.

Action: Ream moved and Moody seconded the motion to approve the final Keep Cool Hills Hunting Access and Recreation Management Area Biennial Rule.

Vice-Chairman Vermillion asked for public comment.

Rod Bullis said he supports this rule.

Action on Motion: Motion carried.

14. Livestock Loss Reduction and Mitigation Board Nominations – Final. HB364, passed during the 2007 Montana Legislature, directed that a 7-member Montana Livestock Loss Reduction and Mitigation Board, appointed by the Governor, be established to oversee a program that would provide cost-share grants to livestock producers for the purpose of reducing the risk of losses of livestock to wolf predation, and to reimburse producers at fair-market value for livestock lost to wolves. The Governor selects three names from those recommended by the FWP Commission, three from those recommended by the Montana Board of Livestock, and selects one member at-large. HB364 requires that Board members be knowledgeable or experienced in at least one of the following: the raising of livestock in Montana, livestock marketing/sales, wolf-livestock interactions, wildlife conservation, administration, and fundraising.

Ken McDonald, FWP Wildlife Division Administrator, explained that the Department once again solicited nominations of interested persons to serve on the Board. Sixteen nominations were received, two of which are incumbents. The nominations were reviewed and seven nominees are recommended for Commission approval for submittal to the Governor for his consideration. (The Governor asked that multiple names be submitted to his office). Those nominees are Jim Cross, Barb Cestero, Brad Radtke, Denley Loge, Lyle Konkol, Alfred Weisbecker, and Michael Leahy.

Action: Ream moved and Moody seconded the motion that the FWP Commission recommend, in order of priority: Jim Cross, Barb Cestero, Brad Radtke, Denley Loge, Lyle Konkol, Alfred Weisbecker, and Michael Leahy for nomination to the Montana Livestock Loss Reduction and Mitigation Board for consideration by the Governor.

Vermillion inquired as to why Mike Leahy was listed last.

McDonald replied that Mr. Leahy is with Defenders of Wildlife, the organization that is spearheading the litigation challenge against delisting wolves. This Board will be working collaboratively with the livestock industry, so there is indeed value in having him on the Board, but on the other hand there is the concern over the litigation. FWP recommends nominating him, just not as the first choice.

Vermillion stated that Defenders of Wildlife has spent nearly a million dollars reimbursing ranchers in Montana for livestock losses over the last ten years.

McDonald said he was unsure of the amount they paid out, but he noted that Defenders of Wildlife also contributed to the reimbursement fund that was set up by the legislature.

Vermillion said he understands the potential conflict of interest that FWP is concerned about, but if Defenders has been providing funds to ranchers to compensate them for wolf depredation, he is unclear why the Department questions their ability to work with the landowners in a collaborative way.

McDonald reiterated that it is the litigation that causes the main concern. It is the Commission's prerogative to switch the order of priority if they choose, with the Governor making the final decision.

Vermillion suggested that the recommendations not be prioritized, and leave the discretion to the Governor's office.

Vermillion asked Ream if he would accept an amendment to his motion to remove the wording "in order of priority" and leave it as "recommend ..."

Ream said he has problems with the Defenders of Wildlife organization. When he was on the Northern Rocky Mountain Wolf Recovery Team in 1974, Defenders was heavily involved in developing the Wolf Recovery Plan, and now they have turned 180 degrees and are suing the State. He agreed that their compensation program has been very successful. He said he would accept the amendment.

Moody suggested a motion be made to recommend the two incumbents for reappointment, and further recommend that all other candidates be advanced on equal footing. Vermillion agreed.

George Edwards, Livestock Loss Mitigation Coordinator of the Department of Livestock, said he appreciates the recommendation of the two incumbents. They have been balanced in their approach, and they have been very helpful to him.

Commissioner Ream withdrew his motion.

Action: Moody moved and Vermillion seconded the motion to recommend to the Governor's Office the reappointment of the two incumbent members of the committee, and that the remaining candidates be recommended on equal footing. Motion carried.

15. Status of Disposition of Quarantine Facility Bison – Informational. Ken McDonald, FWP Wildlife Division Administrator, said the Interagency Bison Management Plan that was completed in early 2000 stipulated that other opportunities be explored to utilize bison that came out of the Park when the population was over objective. Presently, the primary way bison are dealt with is to hunt them or send them to slaughter. One recommendation was to develop a quarantine process where there would be a high assurance of brucellosis free bison for use in conservation efforts, so the quarantine feasibility study was set up to test the methodology. Starting in 2005, APHIS, FWP, and YNP, gathered one hundred calf bison that were outside of the Park that would have otherwise been sent to slaughter. Those bison were given an initial screening test for brucellosis. Any bison testing positive was immediately removed from the feasibility study – there were four that tested positive. The remaining bison were given an intensive battery of tests for Brucellosis, and those cows not culled will continue to be tested through two pregnancy cycles to ensure there is no latent infection.

As part of the study plan, when the calves reached nine months of age, half of them were culled and slaughtered and given tissue testing, leaving a total of 45 bison, of which eight were bulls. The bison were bred, and a portion of the cows had calves. This spring the cows were bred again. There is a total of 41 bison that now need homes so the second repetition can begin.

The EA for the quarantine feasibility study included a process for disposition of these animals that have continued to test negative for brucellosis. That process called for issuing a request for proposal to tribes, agencies, and other entities that are interested in bison conservation. The requirements stipulate that the bison be maintained in a closed herd where they are not to be in contact with other bison or cows for five years, that they remain as wildlife and not livestock, and that they are subjected to continued testing by APHIS for those five years. So this past fall, a request for pre-proposals was issued with five responses received. All of the responses were legitimate, so a full request for proposal was issued, with three responses received. One was from the Northern Arapahoe Tribe on the Wind River Reservation in Wyoming, one was from the Fort Peck Tribe, and one was from the tribe at Fort Belknap. Fort Peck wants the bison that would come out next year, so only there were actually only two proposals to consider this year. The recipients pay the bills, and must ensure the facilities are adequate.

An Interagency Bison Committee, which consists of FWP, DOL, APHIS, USFS, BLM, NPS, and the Inter-Tribal Bison Cooperative, met, and after careful consideration, recommended that this first group go to the Northern Arapahoe Tribe. If these bison are not placed, the alternative would be that they would have to go to slaughter to make room for the next round of the feasibility study. The EA comment period closes this week. The desire is to move the bison to the Wind River Reservation in early April, as April is the latest they can be moved without risking the pregnant cows. The added benefit of the Wind River proposal is that it was jointly submitted by the Northern Arapahoe Tribe and the Inter-tribal Bison Cooperative, which is a cooperative of about 40 tribes all interested in bison conservation and the cultural values of bison. The Inter-tribal Bison Cooperative will provide additional support.

APHIS said these bison will be treated as experimental animals, so if in the five-year period any happen to test positive, that would not count against the state's brucellosis status. The Wyoming Game and Fish and the Wyoming State Veterinarian's office have been made aware, and they have not raised any major issues.

There will be 30-40 more bison next year that will go through a similar process. In fact, over the next four years there will be 40-50 head per year that will need a home.

Doll asked if APHIS will monitor them closely. Ft. Belknap has a herd of bison, and there is not a fence in the whole area that is standing, which is a major concern.

McDonald replied that one of the biggest reasons for selecting the Wind River tribe for this first round is because their facilities and infrastructure are ready to go, whereas Fort Belknap's is not. Also, Fort Belknap's proposal was more to serve as a distribution facility, which was the cause of much concern. The ultimate goal is to utilize these park bison that would otherwise go to slaughter, for conservation efforts. These bison are genetically pure.

Doll asked if they have to stay at Wind River for a minimum of five years. McDonald replied yes, with continuous testing. Doll said folks in his area are apprehensive because the American Prairie Foundation has been getting their stock from Wind Cave National Park, so they question whether the Foundation might bring the bison into Phillips County. McDonald said that if they were returned to Montana, they would have to go through all of the Department of Livestock import requirements, as well as approval by FWP. The bison are to be contained where they are for five years. The Northern Arapahoe Tribe would like to build the herd up to 300 animals, and after that they potentially would make them available for hunting or other conservation purposes.

Moody said the American Prairie Association has one herd from Wind Cave National Park and have said categorically that they will not accept bison from Yellowstone.

McDonald said the Wind Cave bison originated from Yellowstone National Park. He added that Senator Brenden introduced a bill that would prohibit translocating any of these quarantined bison anywhere in Montana other than the Moiese Bison Refuge. There was opposition to the bill when it was heard in the Senate Ag Committee, particularly by tribal interests.

16. Open Microphone – Public Opportunity to Address Additional FWP Issues.

Tony Jones, Ravalli Fish and Wildlife Association (RFWA), referenced a letter he had sent to the Commissioners that outlined an emergency structure change for Region 2 mountain lions that was agreed upon by the RFWA and the Bitterroot Houndsmen. They want the structure change because the whitetail deer and mule deer numbers are on the decline. Also, two of the districts in the Bitterroot are well below

objective for elk. As of today there are thirteen special license issued for the five hunting districts in the valley, and only six lions have been killed. They are eating something, and there isn't spare game to feed them. He asked the Commission to look at his request for a quota permit structure change. The idea is to have a quota of twenty with five to seven permits issued. Both would be open on December 1, and when the quota was reached, that portion of the season would be closed, but the permit hunters could still hunt. The objective is to create an increase in lion harvest without the race. They feel it is an emergency situation since only half of the permits have been filled.

Kujala said that no, FWP does not see it as an emergency at this point in time, and staff has no other recommendations. He said there is a process in place consistent with the biennial deer and elk structure, and the structure for 2009 is set to only adjust numbers within the structure. The process for the 2009 mountain lion season is for the Commission to receive tentative quota proposals in April. General license quotas have a history of filling. The number of special licenses issued does not necessarily equal the number of lions taken. The quota recommendations will come before the Commission using contemporary information in April. The balance of the lion season will be monitored closely. Perhaps only half of the permits have been filled because permittees feel no rush to use them to just go out and kill a cat. He stated that it needs to be a Montana mountain lion discussion, and not just a Region 2 discussion.

Vermillion asked if within the season structure in place now, is it possible to increase the number of permits to address harvest concerns and have a quota that is associated with the number of permits.

Kujala said that is not in place now, but it is something Regions 1 and 2 may look into.

Rod Bullis – gave his opinion of lion hunting in Region 2. He said to honor the two-year season structure. He sees no emergency.

Steve Wilson, Ravalli County, manager of the Triple D Land & Cattle Company said his neighbors to the north have documented five lions on their property, and the neighbors to the south have trail have documented three lions. They feel there is an abundance of lions. The numbers show that more lions can be harvested. They feel it is an emergency in HD261 as they have seen their whitetail populations go down, and they have lost elk too. When he knew there was a shortfall in the flying budget, he kept accurate counts on what was happening on their place and on the neighbors places, and reported his findings to the region. It is becoming common for the elk to move from the dry land to the river bottom. Something is displacing the elk. Harvest is below objective.

Kujala said there needs to be a focus on prescribed take. There is a predator situation that is different than it was ten years ago. The mountain lion research project is in its final stages, but is not a final product yet. There are many conversations and debates ahead.

Moody said it would be useful to have an objective standard in place that designates what an emergency is.

It was decided to hold a work session the afternoon of April 15 prior to the April Commission meeting to discuss mountain lions.

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Ream asked if it would behoove the Commission to affirm with Secretary of the Interior Ken Salazar that Montana wants to delist the wolf.

Vermillion stated it should be easy to do a resolution stating that FWP wants to manage wolves consistent with the management plan. Smith said a resolution may require a public comment period.

McDonald agreed it would be good to have it on record so once the Federal Register is published it would already be part of the entire package.

Bob Lane, FWP Legal Counsel, stated that it would be a good idea to send the confirmation letter to Secretary of the Interior Salazar before the record closes and the Federal Register is published. A resolution would sound like the Department is making a decision on a position that is new, so a letter would be the best option. Public comment is not needed as it has been made widely known that FWP has maintained a long-standing position on delisting. The letter should express affirmation of the position held all along.

*Action: Ream moved and Moody seconded the motion to direct Director Maurier to write a letter to Secretary of the Interior Salazar affirming that Montana FWP supports the decision to delist the wolf and would manage them consistent with the management plan in place.*

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Action: Doll moved and Moody seconded the motion to adjourn the meeting. Motion carried.

Meeting adjourned at 12:35 p.m.

Dan Vermillion, Vice-Chairman

Joe Maurier, Acting Director